

NEWSLINE RADIO - CBBS EDITION #74 - POSTED 06/02/93

```
*****
*
*      *  * ***** *      * ***** *      ***** *      * ***** *
*      ** * *      *      * *      *      *      ** * *
*      * * * ***      * ** *      *** *      *      * * * ***
*      * ** *      * ** *      * *      *      * ** *
*      *  * ***** *  * ***** ***** *      * *****
*
*              *****      *      ***** ***** ***
*              *  * * * *      *      *      *
*              ***** ***** *      *      *      *
*              *  * *      * *      *      *      *
*              *  * *      * ***** ***** ***
*
*****
```

The following is late news about Amateur Radio for Radio Amateurs as prepared from NEWSLINE RADIO scripts by the staff of the AMATEUR RADIO NEWSLINE, INC. -- formerly the WESTLINK RADIO NETWORK. The electronic version of newsline is posted on this CBBS twice monthly. For current information updates, please call (213) 462-0008, (805) 296-2407, (407) 259-4479, (708) 289-0423, (513) 275-9991, (718) 353-2801, (407) 965-1234 or (206) 368-3969. To provide stories and information please call (805) 296-7180. This line answers automatically and will accept up to 30 minutes of material.

Check with your local amateur radio club to see if NEWSLINE can be heard weekly on the air in your area.

Articles may be reproduced if printed in their entirety and credit is given to AMATEUR RADIO NEWSLINE as being the source.

For further information about the AMATEUR RADIO NEWSLINE, please write to us with an SASE at P.O. Box 463, Pasadena, CA 91102.

Thank You  
NEWSLINE

```
*****
```

Some of the hams of NEWSLINE RADIO...

WA6ITF WB6MQV WB6FDF K6DUE W6RCL N6AHU N6AWE N6TCQ K6PGX N6PNY  
KU8R N8DTN W9JUV KC9RP K9XI KB5KCH KC5UD KC0HF G8AUU DJ0QN and

many others in the United States and around the globe!!!

\*\*\*\*\*

[824]

#### FCC: BLIND VE CAN'T SUPERVISE TESTS

The FCC has told a blind West Virginia ham that he cannot act as Volunteer Examiner. In doing so, it has set a precedent that will impact on all sight impaired hams.

Word of the decision came in a letter from the commission to Leonidas R. Moten, WD8POF. It was signed by the FCC's Private Radio Bureau Chief Ralph Haller, N4RH, and told Moten that a visual handicap precludes a VE from fulfilling the requirements of the Commissions rules.

By way of background, Moten holds an Advanced Class license and was certified as a VE by the Dallas based W5YI VEC. But his local radio club and members of it's VE team refused WD8POF's request to proctor examinations.

On July 16, 1992 Moten filed a complaint against the club with the West Virginia Human Rights Commission. In it, he claimed that under Section 504 of the Rehabilitation Act of 1973 that he was unlawfully discriminated against based on his physical handicap. He also filed a similar complaint with the FCC on October 23, 1992. It took the FCC almost six months to investigate Moten's complaint and reach a conclusion. The results of that probe will impact on other visually handicapped amateurs wanting to serve as Volunteer Examiners.

The three page finding says that for any ham acting as a volunteer examiner to fulfill the legal obligations of overseeing an Amateur Radio test session, that he or she must have the ability to visually observe what is taking place in the examination room. Also, that Section 97.909, sub paragraph A of the FCC rules states that each administering VE be present and to observe the candidates being tested throughout the entire examination.

The key word here is observe. To the commission this seems to mean that each VE must be able to view exactly what is taking place with his or her own eyes.

The FCC response went on to take note of the refusal of two other VE's to administer license examinations with Moten. It said that it was in total agreement with the decision of these VE's because the federal regulations governing their actions are very explicit.

We quote in part from this part of the FCC letter: "...we similarly conclude that your blindness precludes you from complying with the administering VE's responsibility to be present and observe the examinee throughout the entire

examination." -- end quote.

The FCC also said that issuing Moten a waiver to permit him to perform examination duties would defeat the basis and purpose of the Commission's rules. It emphasized that these regulations were written in such a way as to insure that at least three examiners are present to observe examinees and thereby to preserve the overall integrity of the examination process. The commission did tell Moten that he is invited to perform other functions regarding Amateur Radio testing that do not involve direct on-site supervision of tests. This might include his producing examination material in Braille or enhanced print. But the letter concluded by stating that in the view of the FCC, that Moten was not in any way discriminated against within the meaning of the Rehabilitation Act. Because of this, his discrimination complaint was being denied. At this time, it is unknown if WD8POF plans to file an appeal.

\*\*\*\*\*

#### NOVICE VEC DATE ANNOUNCED

The FCC has set July the first as the date when Novice examinations will be brought under the supervision of the VEC testing system. Three weeks ago, the FCC announced that it had decided to do away with the use of only two VE's in the Novice testing system and bring that examination in line with all others.

There is another caveat. The FCC has also decided to permit holders of General Class licenses to oversee tests administered to both Novice and Technician class applicants. This as a way of lessening the burden on the current VE testing scheme. As a result, many VEC's will soon begin accrediting General Class hams to take on this new job.

\*\*\*\*\*

#### HAM RADIO CONGRESSIONAL RESOLUTION

Another bill to protect the rights of radio amateurs has been introduced before congress. On May 7th Joint Resolution S.J. 90 was introduced in the U.S. Senate by Sen. Charles Robb of Virginia. It's a bill recognizing the achievements of radio amateurs.

Saying that words without deeds are empty Robb went a lot further. His resolution supports amateurs radio as national policy. It also urges the adoption of rules and regulations that encourage the use of new technologies within the Amateur Radio Service. Robb says that any regulations which are necessary at any level of government be crafted in ways that facilitate and encourage amateur radio operation as a

public benefit.

\*\*\*\*\*

#### STERN DIRTY WORDS LOOSE ROUND ONE IN DC COURT

United States District Court Judge Royce Lamberth in Washington D.C. has rejected a claim by Infinity Broadcasting Company of New York and other plaintiffs who say that the current FCC enforcement scheme dealing with indecent language amounts to unconstitutional censorship and prior restraint. His finding will defiantly impact on the prosecution of so-called potty mouth hams. Here are the details.

The case in question revolves around a total of \$606,000 in fines issued by the FCC against Infinity owned stations who air shock-jock Howard Stern. The fines were assessed against Infinity last December for remarks attributed to Stern allegedly made during his early morning radio program over the company's WXRK FM in New York, WXPB FM in Philadelphia and WJFK FM in Manassas, Virginia. Also fined \$105,000 was Greater Media Inc., which airs the Stern's syndicated morning talk show over KLSX FM in Los Angeles, California. In his daily program, Stern routinely talks in very graphic terms about sexual matters that most people would consider as being in poor taste for broadcast radio.

Under current FCC rules, the FCC prohibits the broadcast of legally definable "indecent" material between the hours of 6 a.m. to 8 p.m.. These are the hours that young children are most likely to be tuned in.

But a number of broadcast, consumer and civil rights advocacy oppose any indecency standards. They joined in a law suit to effectively end all enforcement of indecency rules. The only group standing with the FCC was the American Radio Relay League. In early April the League filed an Amicus Curiae brief with the court. In it, the ARRL stated the concern of the nations half-million radio amateurs. The League said hams were worried that enforcement of Part 97 rules to stop the transmission of indecent language on the amateur bands would be impossible if the court held it to be proper in commercial broadcasting. The decision in this case would seem to indicate that the League's filing weighed heavily on the District Court in its decision to find against plaintiffs in this case.

\*\*\*\*\*

#### PRODIGY HOAX SLANDERS ARRL INSURANCE

In what appears to be a related matter, a phony message that got by the censors on Prodigy's Ham Radio bulletin-board has caused a lot of problems for the American Radio Relay League's

insurance plan. On April 23rd, a person calling herself Amber Lynn Garner and using another hams callsign issued a bulletin on Prodigy. It stated that as of April 21st, the ARRL's Insurance Policy was -- and we quote -- "...revoked for non-payment." The writer went on to say that she had contacted Luck Hurder at League Headquarters and was told that there are no plans to replace the supposedly defunct policy. Garner then instructed policy holders to request a refund through the ARRL before April 30th at a rate approximating fifty-cents on the dollar. It was all a blatant lie. The posting of the phony story seemed to be very carefully timed to coincide with the opening of the 1993 Dayton Hamvention. Presumably, Garner or whomever she really is figured that ARRL participation in the Hamvention would preclude an early denial by the league's staffers or elected officials.

To his credit, one ham did act promptly to try and kill the hoax. Duane Vincent KE7JEX, a regular user of the Prodigy ham board checked by telephone with Northwest Division Director Mary Lewis, W7QGP. It was Lewis that tagged the story as a phony. Vincent posted the information from Lewis and that should have been the end of it. It wasn't.

Within a few hours, yet another phony message was posted.

This one was from a Prodigy subscriber calling himself Guy Finsterwald. Yes that is the name he used -- Guy Finsterwald. And Finsterwald claimed that he had already received a refund from Newington. Unfortunately, some hams took the Garner and Finsterwald notes as gospel. They never bothered to check the facts in the story but instead posted it onto the packet airwaves. This created an even bigger base for the hoax. But who are Amber Lynn Garner and Guy Finsterwald? And, why post a blatant lie on Prodigy? What is coming to light is that the hoax may well be the creation of a group of users on the Los Angeles 147.435 MHz "Animal Farm" repeater. This is the so called free-speech repeater that can be heard throughout southern California and it has become a haven for what can best be called blue language. As such, it is quite likely that the postings were some kind of retaliation action against the American Radio Relay League for its decision to stand with the FCC. This, in the matter of the commission being permitted to continue to issue fines for the use of indecent language over the airwaves.

There is also a good chance that Amber Lynn Garner and Guy Finsterwald names are not individuals. Rather they may well be a shared identities for numerous members of the 4 3 5 group. Security on Prodigy appears to be very lax in this area. Meantime, if you carry ARRL insurance, you have nothing to worry about. The service has plenty of money backing it and is doing just fine.

\*\*\*\*\*

#### NY SENTENCE

The nineteen year old New Yorker who used a two meter radio to falsely report a downed aircraft last January has been sentenced to sixty days in jail. According to the Buffalo News, Wayne Michalk of Appleton was also ordered to pay a five thousand dollar fine and to undergo mental health counseling.

\*\*\*\*\*

#### ARSENE WE CAN'T HEAR YOU

According to telemetry being sent by the ARSENE satellite, the bird is working perfectly. The problem is that nobody has heard anything on its VHF downlink frequency of 145.975 MHz.

As a result, the control station at FF1STA in Toulouse, France has put ARSENE in a mode with complete telemetry sent both 2446.47 and 145.975 MHz. This was done in order to allow for a careful search for a small signal on the two meter band. Any report of a signal coming from ARSENE would help. The telemetry signal basic data is at 128 Hz with 2048 Hz Manchester encoded PSK at 128 baud. You can send reports to the ARSENE working group via any of the regular channels to AMSAT.

\*\*\*\*\*

\* \* \* Newsline Copyright 1993 all rights are reserved. \* \* \*

--

Allan Courtney KD4DBN  
Lexington, Kentucky

Internet: acourt@ncc.uky.edu  
AMPRNet: 44.106.2.120